

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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3 JOSIAH GALLOWAY,

4 Plaintiff,

5 - versus -

6 COUNTY OF NASSAU, ET AL.,

7 Defendants.

19-CV-5026 (AMD)

United States Courthouse
Brooklyn, New York

March 10, 2020
3:00 p.m.

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10 TRANSCRIPT OF CIVIL CAUSE FOR PROMOTION CONFERENCE
11 BEFORE THE HONORABLE ANN M. DONNELLY
12 UNITED STATES DISTRICT JUDGE

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1 (In open court.)

2 THE COURTROOM DEPUTY: All rise.

3 THE COURT: Hi. Everybody can have a seat.

4 THE COURTROOM DEPUTY: This is civil cause for a
5 premotion conference, Docket Number 19-CV-5026, Galloway
6 versus County of Nassau.

7 Counsel, state your appearance, plaintiff first.

8 MR. HARVIS: Gabriel Harvis of Elefherakis
9 Eleferakis & Panek for the plaintiff.

10 Good afternoon, Your Honor.

11 THE COURT: Hi.

12 MS. FETT: Good afternoon, Your Honor.

13 Baree Fett for the plaintiff.

14 THE COURT: Hi.

15 MR. SOKOLOFF: Brian Sokoloff, Sokoloff Stern LLP,
16 for the Nassau County defendants.

17 THE COURT: Hi.

18 MR. ELEFOTHERAKIS: Alexander Eleftherakis, Sokoloff
19 Stern LLP, also for the Nassau County defendants.

20 THE COURT: Hi.

21 And we've got somebody on the phone, right?

22 MR. SIRANO: Yes, Your Honor.

23 Michael Sirano from Bee Ready law for the Village of
24 Hempstead, Police Officer Horowitz and Detective Cunningham.

25 Your Honor, I apologize for not being there in

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1 person, somehow we inadvertently had this entered in Central
2 Islip in a hearing, which I did not discover until I was
3 leaving at 2 p.m.

4 THE COURT: That's okay. That's okay.

5 I'm going to ask you to do me a favor, though,
6 actually do all of us a favor.

7 If you could just speak slowly, because the thing
8 about telephone appearances, it makes it sort of hard to hear
9 sometimes, and it's a little hard on the court reporter. So
10 I'm just going to ask you to slow down just a little bit. All
11 right.

12 MR. SIRANO: I will, Judge.

13 THE COURT: Great.

14 So this is a premotion conference on an intended
15 motion to dismiss. I guess my first question is:

16 Have you thought about settling this case? And have
17 you talked by it or?

18 MR. HARVIS: I think we mentioned it --

19 THE COURT: You can stay seated. Just move the
20 microphone.

21 MR. HARVIS: There's been some discussion but
22 nothing that's gone anywhere, Your Honor.

23 MR. SOKOLOFF: Yeah, I'm not aware of any even
24 casual discussion of it, so...

25 THE COURT: Well, I mean you're one of the people

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1 who would be having the casual discussion, so if you're not
2 aware of it, I mean...

3 Do you think it might be a good idea?

4 MR. SOKOLOFF: I wouldn't say no to a discussion.

5 THE COURT: Okay.

6 And who's our magistrate judge here?

7 THE COURTROOM DEPUTY: Judge Orenstein.

8 THE COURT: Oh, it's Judge Orenstein. Okay.

9 I don't know, I think in a case like this it might
10 not be a bad idea. Surely we're going to go through all of
11 the issues that have been raised, but I think it's worth
12 talking about. Maybe you'll be too far apart, I don't know,
13 but it's something I would consider.

14 Do you have a conference coming up?

15 MR. HARVIS: Well, it was a little weird, but I
16 think we do, and I think it's towards the end of the month,
17 Your Honor, our initial conference.

18 THE COURT: With Judge Orenstein.

19 MR. HARVIS: That's right.

20 THE COURT: Just hold on for a second.

21 (Pause.)

22 THE COURT: Back on the record.

23 All right, so I guess in no particular order, this
24 is a motion to dismiss, which makes me wonder how I could
25 consider the transcript of the trial on a motion to dismiss.

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1 MR. HARVIS: May I be heard on that, Your Honor?

2 THE COURT: Sure.

3 MR. HARVIS: Thank you so much.

4 So there was a decision from the Second Circuit five
5 days ago in a case called *Lynch versus City of New York*, and
6 in that Judge Kearse discusses when extrinsic material may be
7 considered, and it has to be -- it has to be relied upon in
8 the drafting of the complaint, usually it's an exhibit.

9 THE COURT: I don't think that's new law.

10 MR. HARVIS: Right.

11 THE COURT: I think that's the way it's always been.

12 I mean that might be a relevant consideration in a
13 motion for summary judgment, but it also might be -- I mean,
14 I'm going to suggest that there are some of these claims you
15 might want to amend your complaint on some.

16 MR. HARVIS: Part of our presentation today was
17 going to be to ask for the opportunity to leave to amend.

18 THE COURT: Granted.

19 MR. HARVIS: Thank you very much, Your Honor. I
20 will do that.

21 THE COURT: I just think it's better to cut to the
22 chase on these things rather than litigate it.

23 So let me just suggest a few areas where I'm
24 confused, and that's probably my own fault.

25 It's possible that looking at those minutes might

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1 make you rethink some of this because -- so just beginning
2 with the *Monell* claims.

3 I take the point about what -- and I'll ask you some
4 questions about this sort of -- I'm trying to do this in some
5 order from malicious prosecution to fair trial -- false arrest
6 and malicious prosecution, but I don't think you can do a
7 respondeat superior claim on a *Monell*.

8 MR. HARVIS: That's right.

9 THE COURT: Okay. Because in your letter you say
10 you can.

11 MR. HARVIS: No. What we wanted to point out is
12 that we have properly pled respondeat claims, which goes to
13 the question of personal involvement under Section 1983.

14 THE COURT: I see.

15 MR. HARVIS: Because those claims don't require a
16 showing of personal involvement, and so it's somewhat academic
17 at this stage to try to figure out exactly who did what.
18 Because at the end of the day, the municipal employers will be
19 responsible for the tortious conduct of their employees, even
20 if we don't identify them specifically.

21 THE COURT: I think I understand that.

22 Do you have anything you want to say about that?

23 MR. SOKOLOFF: Not really.

24 THE COURT: Okay.

25 And maybe this is not necessary to talk about this

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1 because I think that some of the *Brady* claims were the things
2 with the lineup and all that.

3 We might want to wait on that until after you've had
4 a chance to read it.

5 MR. HARVIS: Yes. And I think -- you know,
6 atmospherically I think that those are important for
7 understanding how something like this happened.

8 But we will be removing the emphasis in terms of
9 liability from those because we don't -- in another -- to put
10 it simply, we don't need to reach that far here, because now
11 we have evidence that was clearly outside of the trial record.

12 THE COURT: The lady, the witness who testified at
13 the trial.

14 MR. HARVIS: Exactly.

15 Well, this is actually the lady, if I understand
16 what Your Honor's saying, we're on the same page, is the head
17 of the Nassau County Conviction Integrity Unit.

18 THE COURT: That's not the lady I was talking about.

19 MR. HARVIS: Who's the lady?

20 THE COURT: Maybe it's not a woman.

21 I thought you showed notes -- oh, it is a man.
22 Sorry about that. It's Jorge.

23 MR. HARVIS: Exactly, the victim, Jorge Anyosa.

24 THE COURT: I see. He felt he was pressured.

25 MR. HARVIS: That's right, Your Honor.

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1 THE COURT: So -- okay. So maybe some of these
2 questions don't matter.

3 You know, so one of the lineup claims was that they
4 changed the appearance, and my recollection, it's been a while
5 since I thought about state court lineups, but the
6 recollection is that sometimes the police will put everybody
7 in a particular kind of hat or sit them down so that the
8 suspect doesn't stand out.

9 But what you're alleging is that they used this
10 practice to hide his features that would show that he couldn't
11 have been the guy.

12 MR. HARVIS: And even more than that, Your Honor, we
13 have a statement that's in the letter, our second letter, that
14 had his height been disclosed to the eyewitness, he would have
15 immediately said that's not the guy.

16 THE COURT: But I take it a judge heard all of this
17 in the *Wade* hearing.

18 MR. HARVIS: Yes.

19 The aspect of the case that relates to the evidence
20 that was presented at trial, is in our view, an extremely
21 narrow little slice of the case.

22 And we would agree that to the extent those
23 allegations were completely exposed at the trial, it will
24 neither form of the basis of a *Brady* claim nor a due process
25 claim.

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1 THE COURT: Okay. And then another question I had
2 was just about the trial itself.

3 I guess there was alibi notice that was filed, and
4 then it sounds like, although it's not entirely clear to me,
5 it sounds like the prosecutor cross-examined the alibi
6 witnesses. I think the case is called *Dawson*, some state
7 court case that you can establish four different things.

8 Did the judge sustain or overrule objections to
9 those questions, and does that matter?

10 MR. HARVIS: That's a very good question. And I
11 think that, you know, it matters depending on which of the
12 claims we're evaluating.

13 And I think the answer is there were objections made
14 on the record, and I think that the court permitted the
15 cross-examination that would -- we would allege it was
16 improper.

17 THE COURT: So when there are objections that are
18 overruled and a judge, like in a summation, is it more the
19 judge's actions that you're complaining about then the --
20 well, ultimately you're complaining about the judge's actions.
21 I don't think they do that here.

22 MR. HARVIS: Right. And I just want to be clear.
23 We're not suing any judges or prosecutors here.

24 THE COURT: You can if you want. Well, you can't
25 actually.

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1 I just want to make sure that I'm understanding what
2 the context is. Is it fair to say that these things that
3 you've put in the complaint are just to show that everybody
4 was --

5 MR. HARVIS: Well, we're --

6 THE COURT: -- the forces were conspiring against
7 him?

8 MR. HARVIS: We're trying to piece together all the
9 strings that created this injustice, including those that are
10 actionable, and those that are just atmospheric.

11 THE COURT: Okay.

12 MR. SOKOLOFF: Judge, if I may.

13 THE COURT: I was going to get to you.

14 MR. SOKOLOFF: Oh, okay.

15 THE COURT: I just wanted to make sure I understood
16 some of these claims. I think I'm getting it now.

17 Go ahead.

18 MR. SOKOLOFF: As I see the complaint, these
19 allegations against the prosecutor are not just there for
20 atmospherics, they form the basis of a *Monell* claim.

21 THE COURT: Well, that's what I thought.

22 MR. SOKOLOFF: Well, that's what I thought, too.

23 THE COURT: I thought -- that's what I was curious
24 about. But I thought the *Monell* was you're going to show a
25 history of prosecutor saying terrible things and Appellate

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1 Court telling them to stop saying it.

2 MR. HARVIS: That's *Bellamy*. Right, Your Honor.

3 THE COURT: I'm quite familiar with it, yes.

4 Except in *Bellamy* there were no objections and it
5 was never the -- it was never the point of an appeal.

6 So I'm just curious about does the judge play any
7 role in ruling on the objections, and whether that's a *Monell*
8 claim?

9 MR. HARVIS: Well, our *Monell* claim, as I see it, is
10 not the type of questions that the prosecutor was allowed to
11 ask, but the way he was permitted to characterize the evidence
12 in summation.

13 THE COURT: So we're not talking about the cross.

14 MR. HARVIS: No. Except to the -- I apologize, Your
15 Honor. Except to the extent that the cross was where the
16 evidence derived that the prosecutor argued.

17 THE COURT: All right. So I haven't seen this
18 transcript, so he makes these arguments that are based on?

19 MR. HARVIS: Probably *Dawson*. It sounds like it.

20 I'm not a criminal practitioner, and I think that he
21 may have had a better -- Mr. Galloway may have a slightly
22 better lawyer at the criminal trial than Mr. *Bellamy*. I'm
23 guessing. It sounds like.

24 THE COURT: No, no, actually, no. Therein lies a
25 tale. But that's a totally different kind of case.

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1 But if a judge overrules an objection and then let's
2 the prosecutor make the argument, and I don't know what
3 happened in a case on appeal, but if this case was -- that was
4 the argument that was made on appeal, and the judge and the
5 Appellate Division denied it, I don't if that happened.

6 MR. HARVIS: There was no appeal. The DA came in
7 and exonerated him before the appeal was even filed.

8 THE COURT: Ten years?

9 MR. HARVIS: It was being perfected. What can I
10 tell you.

11 THE COURT: That's something else.

12 All right, so let's just take -- let's say that the
13 judge doesn't agree that these are improper questions.

14 Can that be the basis of a *Monell* claim? And I'm
15 just wondering if the prosecutors -- if someone's been telling
16 you you're doing a terrible job, you've got to stop this
17 practice, but the judge before whom you're trying the case
18 sends you the message that it's okay, how -- I just -- I don't
19 quite understand how that works.

20 MR. HARVIS: I think it's an interesting argument,
21 and I think it's a little bit, if I may, in the weeds from
22 where we view the sort of real crux of the case.

23 THE COURT: Right.

24 MR. HARVIS: But I would say -- I would say, no, I
25 don't think it's legally significant what a given criminal

1 court judge rules. I think we look at it against the
2 constitution.

3 And if the policy is to make improper summation
4 arguments that are violative of the due process clause then
5 that it's irrelevant, in my view, whether a particular judge
6 presiding in a particular trial thinks that's the case or not.

7 THE COURT: Okay. All right, I think I get it.

8 Do you have something you want to say about that?

9 MR. SOKOLOFF: Yes.

10 THE COURT: Just take it easy. Talk. We're just
11 talking. Go ahead.

12 MR. SOKOLOFF: So you can't have a *Monell* claim
13 unless you have an underlying constitutional violation.

14 First you have to prove that what's done was
15 unconstitutional, and then as *Monell*, you have to show that it
16 resulted from a policy, practice, custom or procedure of the
17 municipality.

18 Here, the fact that this very issue was argued
19 before the judge, the judge made a ruling, the judge found
20 that the question was proper.

21 Under the *Wray* case, that severs the causation.
22 It's an independent act by an external party between the
23 wrongdoing and the claimed damages.

24 So in answering your question, the fact that the
25 judge ruled on this, and I believe the judge actually

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1 referenced the state court case that you mentioned, *Dawson*, in
2 evaluating this, that -- that cuts the chain and that's the
3 *Wray* case.

4 THE COURT: Well, I guess -- I'm getting ahead of
5 myself a little bit here.

6 I'm just a little curious about it because I'm
7 always curious of how you try one of these cases in front of
8 the jury and who tells them -- you know, I guess we get some
9 expert to talk about what happens at a trial.

10 But I think it's very -- I wonder what juries think
11 about it. And this doesn't go to your claim at all, but, you
12 know, most juries watch a lot of TV, and they think that
13 people can say whatever they want in summation.

14 And so if some professor gets up there and says
15 you're not allowed to say, I don't know, whatever things
16 you're not allowed to say now, I'm just -- I just don't know
17 what juries do with it. And I wonder how many of these cases
18 have been tried.

19 MR. HARVIS: Not many, I think.

20 Can I just say one thing, Your Honor?

21 THE COURT: Sure.

22 MR. HARVIS: So the *Wray* case did not involve a
23 *Monell* claim, it involved a due process claim. And *Wray* and
24 *Towns*, which *Wray* relies on, were both summary judgment
25 decisions.

1 THE COURT: Right.

2 MR. HARVIS: And they both involved cases where
3 there was substantial evidence of guilt aside from the
4 evidence at issue.

5 Our facts are much more like the *Bermudez* case from
6 2015, where you also had an admittedly innocent man, and you
7 had the allegation that the evidence as it was presented from
8 the officer to the ADA was -- they misled the ADA about the
9 quality of the evidence and that resulted in defective
10 presentation before the grand jury, and then also taint at the
11 trial, which the trial judge knew nothing about.

12 And so our view is that both procedurally and
13 substantively this case is just very distinguishable from
14 *Wray*.

15 THE COURT: Well, obviously when we're talking about
16 the standard for a complaint, I think some of these things are
17 more appropriately discussed in a motion for summary judgment.

18 The only thing I was going to try to get you to
19 think about was whether you're going to come in second on
20 summary judgment on some of this any way because of this, just
21 in terms of drafting another complaint, if you had these very
22 strong arguments that have come up since the time you drafted
23 your complaint. It's just something to keep in mind.

24 And, you know, I do always encourage litigants to
25 think about what the jury's going to do with certain claims,

1 and they sound so appealing to us lawyers when you get, you
2 know, a regular group of citizens they have no idea what we're
3 talking about.

4 So it's neither here nor there in terms of -- in
5 terms of legal sufficiency.

6 I do just -- and, again, maybe this is a failure of
7 imagination on my part.

8 I think *McDonough* takes out the time bar claims.
9 *McDonough* pretty clearly says for a fair trial fabrication of
10 evidence claims that they -- that favorable termination is the
11 point at which the claim -- the time starts running.

12 I don't -- maybe I shouldn't admit this -- I have no
13 idea what you're talking about with the intracorporate
14 conspiracy. I don't think that matters.

15 I think the clear lesson of *McDonough*, it's usually
16 municipal defendants like is that favorable termination is an
17 element of the fair trial fabricated evidence claim, and
18 that's when the claim starts.

19 So I don't think that that is going to work. Like I
20 said, maybe it's because I don't know -- I didn't get what was
21 it, the Intracorporate Conspiracy Doctrine?

22 I just don't think that -- I'm being a little
23 facetious, I get what that is, I just don't know how it --
24 what it could possibly have to do with favorable termination.

25 MR. HARVIS: Well, the point that we were making,

1 Your Honor, is that we think it's the explicit holding on
2 *McDonough* that this claim did not accrue until this case was
3 over.

4 But just reaching the actual substantive argument
5 that's normally raised in the 1983 conspiracy context, we just
6 wanted to point out to the Court that we would not be blocked
7 based on that doctrine. That was all.

8 THE COURT: I see. But I do think *McDonough* is -- I
9 think that time bar is not going to work on this one.

10 MR. SOKOLOFF: It weakens our argument
11 significantly, I grant that. But *McDonough* didn't deal with a
12 conspiracy claim.

13 THE COURT: I don't think it cared, though.

14 I mean, I think most of the courts that have
15 considered the favorable termination in this district have
16 said -- have read it, I think to the dismay of some on the
17 plaintiff's side, as saying that it's an element -- it's
18 always been an element of a malicious prosecution claim.

19 And just as the decisions that I've read, I think
20 there might be one exception, but most district courts in our
21 district and in the Southern District are saying favorable
22 termination, regardless of the charge, is an element of a fair
23 trial claim.

24 And maybe the Circuit will straighten one of us out
25 on this, so...

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1 MR. HARVIS: As an aside, Your Honor. I had the
2 privilege of going to watch the argument in the Supreme Court
3 on *McDonough*. It was awesome.

4 And I just want to point Your Honor to footnote 10
5 of the opinion which says that: Perhaps a more capacious
6 understanding of favorable termination is appropriate in the
7 fair trial context.

8 That's the only point I wanted to make.

9 THE COURT: I saw that. But any way...

10 MR. HARVIS: I agree with Your Honor, though.

11 THE COURT: I don't think it's a bar. I mean, it's
12 quite clear that that's a deadline at the time it's favorably
13 terminated.

14 So I mean I think -- I'm just trying to think is
15 there anything else in terms -- because I am going to permit
16 you to amend your complaint, because I think it's a good idea.

17 I think you say that you're not going to sue those
18 retired cops in their official capacity.

19 MR. HARVIS: That's right. We'll fix that, Your
20 Honor.

21 THE COURT: All right. And then --

22 MR. HARVIS: And we'll take a close look at the
23 *Monell* claim.

24 THE COURT: Take a look at it and see what you
25 think.

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1 I just want to make sure I understand that the --
2 we've got the witness -- I understood you to be saying in your
3 complaint that the defendants misled the grand jury.

4 MR. HARVIS: Correct.

5 THE COURT: Okay. Not the -- but you were looking
6 at the *Monell* claim anyway, so okay.

7 I think that's what we'll do. So how much time do
8 you need to file an amended complaint?

9 MR. HARVIS: We're -- I'm supposed to be flying
10 tomorrow, but I'm like so on the fence about it, and she's
11 supposed to be flying the following week, and so I don't think
12 either of those things are going to happen.

13 THE COURT: I'll give you some extra time.

14 MR. HARVIS: How about three weeks, Your Honor.

15 THE COURT: All right, so where does that take us?

16 THE COURTROOM DEPUTY: To the 31st.

17 THE COURT: March 31st? Okay.

18 All right, so then when we get the amended
19 complaint, then you'll see where -- I do encourage you to try
20 to settle this, if you can.

21 I mean, the guy clearly was exonerated, spent ten
22 years in jail, so it's worth a shot any way.

23 MR. SOKOLOFF: Your Honor, he -- the plaintiff has a
24 court of claims action going.

25 THE COURT: Well, that does not mean that he can't

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1 have -- I mean, my view is that maybe people should try to
2 coordinate.

3 The state legislature should maybe -- there should
4 be some kind of a rule that if you get one you don't get the
5 other, but that's not what the law is, so...

6 MR. SOKOLOFF: I would ask, though, if they're going
7 to amend by March 31st, this -- so --

8 THE COURT: You're talking about the John Does?

9 MR. SOKOLOFF: I'm talking about that, but I'm also
10 thinking in terms of discovery.

11 So if the complaint is going to be switched up --

12 THE COURT: Yes.

13 MR. SOKOLOFF: -- I think we should wait to begin
14 discovery until we see which complaint we have.

15 THE COURT: I think you would agree to that;
16 wouldn't you?

17 MR. HARVIS: Oh, I don't mind waiting until the end
18 of the month to move forward, but we're going to be appearing
19 before Judge Orenstein at the end of the month anyway, so that
20 would be a good time to discuss the schedule.

21 THE COURT: Right. I'll talk to him, too. I'll let
22 him know that there's going to be an amendment.

23 MR. SOKOLOFF: And one of the things we were going
24 to ask is to stay *Monell* discovery.

25 THE COURT: I don't think anybody's going to start

1 Monell discovery --

2 MR. HARVIS: That's fine.

3 THE COURT: -- so I'll stay that. Okay.

4 All right. Anything else?

5 MR. SOKOLOFF: One last issue, and it's a very tiny
6 issue --

7 THE COURT: Okay.

8 MR. SOKOLOFF: -- is the defendant that's named in
9 the caption, Charles Olie, O-L-I-E.

10 We've had back and forth with the plaintiff. This
11 person doesn't exist. It's a misreading of a name. And we
12 had written to the magistrate judge to ask that his name be
13 dropped.

14 THE COURT: You can work that out.

15 MR. HARVIS: We're going to work that out.

16 Just one thing. He brings up a good point, Your
17 Honor, which is, as long as we're going to amend, for the sake
18 of efficiency, I think it might make sense if we just exchange
19 initial disclosures so we can find out if there are any other
20 officers that were involved in this rather than doing a whole,
21 you know, round of motion practice and then getting initial
22 disclosures.

23 For the sake of efficiency, if there are people with
24 knowledge, we might be able to work that out.

25 MR. SOKOLOFF: They have a lot of the documents.

1 They have the trial transcript. We may get a complaint that
2 we want to move to dismiss, so...

3 THE COURT: I think that -- there's a pretty
4 significant record here. So you have -- in terms of the
5 arrest and malicious prosecution cases, you have the
6 detectives who were involved in taking the statements, correct
7 so far?

8 MR. HARVIS: Right.

9 THE COURT: Just a question of curiosity.

10 What was he arrested for that got dismissed?

11 MR. HARVIS: It was like a drug deal, slash -- it
12 was a drug deal gone bad where I think someone got shot in the
13 foot.

14 THE COURT: So how long did that case stick around
15 before it got dismissed?

16 MR. HARVIS: A couple months maybe. And then the
17 victim recanted and there was a written statement provided.

18 THE COURT: All right. And so was there bail set on
19 that case?

20 MR. HARVIS: I don't want to speak out of turn. I
21 realize it may be a little bit of a wrinkle. I can found out.

22 But it was a much lower case than this second degree
23 homicide, and this was as serious a charge as you can get.

24 THE COURT: So he was probably remanned on the
25 murder.

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1 MR. HARVIS: Oh, for sure.

2 THE COURT: But you don't know what the bail status
3 was on the other case?

4 MR. HARVIS: Well, it's a good question. I think
5 that he was arraigned on them together, because he was
6 arrested on the other case and then it becomes this case while
7 he's in custody. I'll look at that, though.

8 THE COURT: It may not matter. It may not matter.
9 It's just something that struck me.

10 All right. Anything else?

11 MR. HARVIS: Not from plaintiff.

12 MR. SOKOLOFF: Thank you, Your Honor.

13 THE COURT: I guess I will give you a decision on
14 that exchange in discovery. I still think you can work it
15 out.

16 MR. HARVIS: We have the main people. We're
17 always -- we're well within the statute, so if we need to work
18 that out later, we will. No problem.

19 THE COURT: All right. Thank you.

20 MR. HARVIS: Thank you very much, Your Honor.

21

22 (Whereupon, the matter was concluded.)

23 I certify that the foregoing is a correct transcript from the
24 record of proceedings in the above-entitled matter.

25 s/ Linda D. Danelczyk

March 24, 2020

LINDA D. DANIELCZYK

DATE